

Report of: Service Director, Public Protection

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	4th August 2011	B4	St. Mary's

Delete as appropriate		Non-exempt
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**Subject: PREMISES LICENCE REVIEW APPLICATION
RE: RETAIL 24, 249 UPPER STREET, LONDON, N1 1RU**

1. Synopsis

- 1.1 This is an application by the Council's Trading Standards team for a Review of the Premises Licence under Section 51 of the Licensing Act 2003. A copy of the review application is attached as Appendix 1.
- 1.2 The grounds for review are related to the licensing objectives:
 - i) The prevention of crime and disorder.

2. Recommendations

- 2.1 To determine the application to review the premises licence under Section 52 of the Licensing Act.
- 2.2 The Committee must have regard to the application and any relevant representations. The Committee must take such steps as necessary for the promotion of the four licensing objectives.
- 2.3 The steps stated in Sections 52(4) of the Act are as follows:
 - a) to modify the conditions of the licence; and for this purpose the conditions of the licence are modified if any of them are altered, omitted or any new condition is added;
 - b) to exclude a licensable activity from the scope of the licence;
 - c) to remove the designated premises supervisor;
 - d) to suspend the licence for a period not exceeding three months;

- e) to revoke the licence;
- f) the Committee also have the option to leave the licence in its existing state;
- g) the Committee also has the power in relation to steps a) and b) to provide that the modification and exclusion only has effect for a limited period not exceeding three months.

3. Background

3.1 The premises currently holds a licence allowing:

- i) The sale by retail of alcohol, off supplies only, 24hours a day 7 days a week.

3.2 Papers are attached as follows:-

Appendix 1: application form;

Appendix 2: current premises licence;

Appendix 3: representations;

Appendix 4: suggested conditions and map of premise location.

3.3 The Licensing Authority has received 2 letters of representation. Representations received from the Islington Police and the Council's Health & Safety officer.

4. Conclusion and reasons for recommendations

4.1 The Council is required to consider this application for review in the light of all relevant information from the applicant and the licence holder. It may attach such conditions necessary to promote the licensing objectives.

Background papers:

The Council's Statement of Licensing Policy

Licensing Act 2003

Secretary of States Guidance

Final Report Clearance

Signed by


Service Director - Public Protection

Date 25.7.11

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Dan Whitton

Tel: 020 7527 3841

Fax: 020 7527 3430

E-mail: dan.whitton@islington.gov.uk

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I David Fordham, Service Manager Trading Standards

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described on Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description:

Highbury Fine Food & Wine

(a.k.a.) Retail 24

249 Upper Street

Post town: **London**

Post code: **N1 1RU**

Name of premises licence holder or club holding club premises certificate:

Syed Hassan Raza

Number of premises licence or club premises certificate (if known) **127798 / 944**

Part 2 - Applicant details

I am

Please tick ✓ yes

- an interested party (please complete (A) or (B) below)
- a person living in the vicinity of the premises
- a body representing persons living in the vicinity of the premises
- a person involved in business in the vicinity of the premises
- a body representing persons involved in business in the vicinity of the premises
- a responsible authority (please complete (C) below)
- a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
<p style="text-align: center;">David Fordham Service Manager (Trading Standards) Public Protection Division 222 Upper Street London N1 1XR</p>
Telephone number: 020 7527 3458
E-mail: <u>david.fordham@islington.gov.uk</u>

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

This application to review relates to the objective to prevent crime & disorder. It particularly relates to the supply by the business of smuggled goods.

On 9th February 2011, 82.8 litres of vodka and 66 bottles of wine were seized by Doug Love of Trading Standards after a call had been received from PS Robin Clark, Licensing Sergeant for LB Islington, to report that he had found some suspect vodka. PS Clark was visiting the shop as they had not attended a meeting called by the Police and the Council Licensing team to discuss problems with alcohol fuelled anti social behaviour by young people in the Laycock Street area. Mr Love believed the seized goods were illicit – smuggled and / or counterfeit. The business was instructed not to sell a further 166 bottles of suspect wine, which could not be taken at the time. Mr Love suggested it was removed from the shelves.

Two different types of vodka were seized:

- Glens Vodka (104 x 70cl) – Self-adhesive back label – sometimes not straight. Wrong '4' on bar code. Came in resealed boxes – an indication that the back labels may have been changed.
- Smirnoff Red vodka (10 x 1 litre) – Examined by trade mark holder and identified as genuine Smirnoff, but with a fake back label. It had been produced for the German market. Duty stamp did not fluoresce.

The wine was recognised by Mr Love as brands – Corona and Michelangelo - that have regularly been smuggled and supplied in the region without duty being paid.

Invoices were requested for the goods.

The following week, Mr Amir Butt, General Manager of Retail 24, visited Mr Love at the Council offices. He said that the company owned 13 branches and had operated for more than 20 years. He stated that the goods had come from a cash and carry and wanted to know when he would get his goods back. Mr Love explained that he would, upon production of invoices for the goods, consult HMRC officers to confirm his opinion that the goods were illicit and to seek their opinion on whether any of the goods could be returned.

A few days later an invoice, purporting to be for all the seized goods (except the single bottle of Teachers) was handed to Mr Love. The invoice, dated 24/11/10, was in the name 'Pay Less Cash & Carry' and carried an address in Charlton. There was also a company registration number and a VAT number on the invoice. There was no legal name on the invoice, despite this being a legal requirement.

It transpires that the company number and VAT registration belonged to a defunct company called Pay Less Cash & Carry Ltd, who had traded at the Charlton address, but only before they entered liquidation on 02nd December 2009, nearly a year before the date on the invoice supplied.

The company currently trading at the address confirmed, by witness statement, that they had not provided the invoice. Confirmation has also been secured that the invoice is not in the style of the old company's invoices.

It has subsequently become known that an invoice with 'Pay Less Cash & Carry Ltd' and the same telephone number has been used during the delivery of illicit wine to a Swansea off licence.

On 22nd February, Mr Love returned to the shop with officers from HMRC, who had examined the goods seized previously and confirmed that in their opinion they were illicit. The HMRC officers seized 163 bottles of the remaining illicit wine, which was still on the shelves – three bottles fewer than there should have been.

The total duty that would have been evaded if the seized goods had been sold is approximately £1,125.

Trading Standards are concerned at the possession for supply of illicit alcohol for the following reasons:

- Counterfeit spirits, particularly vodka, may be unsafe to consume.
- Illicit spirits are produced and smuggled into the country by organised crime. It is believed that the profits are frequently used to fund other types of serious crime.
- Smuggling causes huge losses to the UK's tax revenues.

Section 13(4) of Licensing Act 2003 and Regulation 7 of The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 makes a local weights and measures authority a responsible authority for the purposes of the legislation. Islington Council is a local weights and measures authority and that function is carried out by the trading standards team.

Here is a summary of events supporting this application

09/02/11 TS seizure 82.8 litres of vodka and 66 bottles of smuggled wine seized by TS. Trader instructed not to sell a further 166 bottles of wine

22/02/11 HMRC seizure 163 bottles of wine seized by HMRC.

Recommendations:

It seems highly unlikely that the goods were provided by the cash and carry currently trading at the Charlton address as a different company, with a different trading name has been there for a number of months prior to the date on the invoice.

There is no record of the business having been advised by Trading Standards of the dangers of buying alcohol from unrecognised sources prior to the seizure. All independent off licences in the borough have since received advice about the law and practical guidance about how they can check they are not selling illicit alcohol and tobacco.

It is for the Committee to decide the appropriate remedy for these facts. Should the licence continue, Trading Standards wish to recommend the following conditions are added to the licence:

1. No alcoholic goods will ever be purchased from sellers calling to the shop.
2. Invoices (or copies) for all alcoholic goods on the premises will be kept at the shop and made available to officers from the council, police or HMRC upon request.
3. A stock control system will be introduced, so that the licensee can quickly identify where and when alcoholic goods have been purchased.
4. An ultra-violet light will be available at the premises for the purpose of checking the UK Duty Stamp on spirits as soon as practical after they have been purchased.
5. If any spirits bought by the company have UK Duty Stamps that do not fluoresce under ultra-violet light, or are otherwise suspicious, the licensee shall identify the supplier to Islington Trading Standards and HMRC as soon as possible.

No conditions relating to non duty paid or counterfeit goods have previously been attached by the Licensing Authority.

Please tick ✓ yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day		Month		Year	

If you have made representations before relating to this premises please state what they were and when you made them

N/A

Please tick ✓ yes

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate

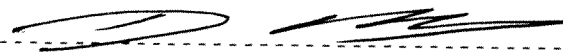
I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date

13th June 2011

Capacity

Service Manager (Trading Standards)

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

David Fordham
Service Manager (Trading Standards)
Public Protection Division
222 Upper Street

Post town London

Post Code N1 1XR

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Please tick ✓ yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day		Month		Year	

If you have made representations before relating to this premises please state what they were and when you made them

N/A

Please tick ✓ yes

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Date

Capacity **Service Manager (Trading Standards)**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

David Fordham
Service Manager (Trading Standards)
Public Protection Division
222 Upper Street

Post town London

Post Code N1 1XR

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

The ground(s) for review must be based on one of the licensing objectives.

Please list any additional information or details for example dates of problems which are included in the grounds for review if available.

The application form must be signed.

An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

This is the address which we shall use to correspond with you about this application.

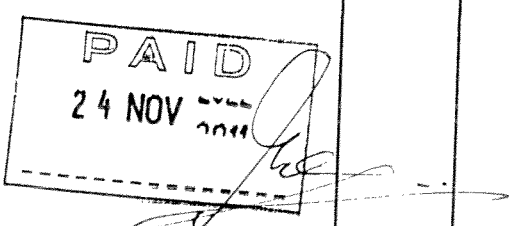
PAY LESS CASH & CARRY

UNIT 1 PENHALL
BUSINESS PARK
19.PENHALL ROAD
CHARLTON SE7 8RX

Invoice To :
Retail 24 249, Upper Street N1 1RU

Invoice

Date	Invoice No.
24/11/10	7013

Description	Qty	Rate	Amount
Foster Can 500ml ✓	50	£14.99	£749.50
1664 Cans 500ml ✓	50	£14.99	£749.50
Stella Cans 500ml ✓	50	£18.99	£949.50
Italian Wines Mix <i>1 CASE SHORT</i>	110	£15.99	£1758.90
Sminoff Vodka 1litre ✓	10	£71.99	£719.90
Glen Vodka 70cl ✓	40	£42.99	£1719.60
			
Subtotal			£6646.90
Sales Tax (17.5%)			£1163.20
Total			£7810.10

Reg 5008899 VAT 833126550
Telephone : 0208 853 5551

PAYLESS

CASH AND CARRY LTD

ND Johns Wine Merchants Ltd
Swansea

11/12/20

Delivery Note

Page 1 of 1

Quantity	Description
204	Pinot Grigio
272	Pinot Grigio Rose
136	Soave
68	Valpolicella
68	Chardonnay
68	Syrah
136	Sauvignon Blanc
68	Montepulciano
136	Bardolino

Special Instructions

Signature of Recipient

Signature of Driver

**PREMISES LICENCE
LICENSING ACT 2003**

Premises licence number 127798/944	
Postal address of premises, or if none, ordnance survey map reference or description HIGHBURY FINE FOOD & WINE 249 UPPER STREET	
Post town London	Post code N1 1RU
Telephone number 020-7354-4258	

Where the licence is time limited the dates Not Applicable
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Licensable activities authorised by the licence Ground Floor <ul style="list-style-type: none">• The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities <ul style="list-style-type: none">• The sale by retail of alcohol:<table style="margin-left: 40px;"><tr><td>Monday</td><td>00:00</td><td>to</td><td>24:00</td></tr><tr><td>Tuesday</td><td>00:00</td><td>to</td><td>24:00</td></tr><tr><td>Wednesday</td><td>00:00</td><td>to</td><td>24:00</td></tr><tr><td>Thursday</td><td>00:00</td><td>to</td><td>24:00</td></tr><tr><td>Friday</td><td>00:00</td><td>to</td><td>24:00</td></tr><tr><td>Saturday</td><td>00:00</td><td>to</td><td>24:00</td></tr><tr><td>Sunday</td><td>00:00</td><td>to</td><td>24:00</td></tr></table>	Monday	00:00	to	24:00	Tuesday	00:00	to	24:00	Wednesday	00:00	to	24:00	Thursday	00:00	to	24:00	Friday	00:00	to	24:00	Saturday	00:00	to	24:00	Sunday	00:00	to	24:00
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The opening hours of the premises: <table style="margin-left: 20px;"><tr><td>Monday</td><td>00:00</td><td>to</td><td>24:00</td></tr><tr><td>Tuesday</td><td>00:00</td><td>to</td><td>24:00</td></tr><tr><td>Wednesday</td><td>00:00</td><td>to</td><td>24:00</td></tr><tr><td>Thursday</td><td>00:00</td><td>to</td><td>24:00</td></tr><tr><td>Friday</td><td>00:00</td><td>to</td><td>24:00</td></tr><tr><td>Saturday</td><td>00:00</td><td>to</td><td>24:00</td></tr><tr><td>Sunday</td><td>00:00</td><td>to</td><td>24:00</td></tr></table>	Monday	00:00	to	24:00	Tuesday	00:00	to	24:00	Wednesday	00:00	to	24:00	Thursday	00:00	to	24:00	Friday	00:00	to	24:00	Saturday	00:00	to	24:00	Sunday	00:00	to	24:00
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Where the licence authorises supplies of alcohol whether these are on and/or off supplies Off supplies
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Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Syed Hassan Raza
30 Barnaby Way
Chigwell
Essex IG7 6NZ
07739-156-266

Registered number of holder, for example company number, charity number (where applicable)


Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Shabir Rachyal

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

00939 – Ealing Council

Islington Council
Public Protection Division
159 Upper Street
London
N1 1RE
Tel: 020 7527 3031/3803
Email: licensing@islington.gov.uk


Assistant Director - Public Protection

14 November 2007
Date of Issue

Annex 1 - Mandatory conditions

1. No supply of alcohol may be made under the premises licence-
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. All door supervisors shall be licensed by the Security Industry Authority.
4. The admission of children to the exhibition of a film shall be restricted in accordance with the recommendation of a film classification body as defined in the Video Recordings Act 1984 or Islington Council acting as the licensing authority where it has given notice in section 20(3) of the Licensing Act 2003

Annex 2 - Conditions consistent with the Operating Schedule

1. The premises shall not be used under this licence until the requirements specified in the schedule dated 16th October 2007 have been completed and approved in writing by the responsible authority for health and safety.
2. The restrictions on hours during which the sale of alcohol is authorised does not prohibit:
 - a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
 - b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 - c) the sale of alcohol to a trader or club for the purposes of the trade or club;
 - d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military
3. Alcohol shall not be sold in an open container or be consumed in the licensed premises.
4. A minimum of two members of staff will be present between 23.00 and the closing time of the premises.
5. A CCTV system shall be installed and maintained inside the premises, including a CCTV unit, which monitors the immediate vicinity of the premises. All cameras shall continually record whilst the premises are open to the public and the recording shall be kept available for a minimum of 31 days with time and date stamping. Recordings shall be made available to an authorised officer or a police officer within 24 hours of any request.
6. A panic alarm system linked to the police shall be installed and maintained.
7. Fire safety equipment shall be maintained and checked regularly.
8. Any requirements made by the Fire Safety Officer shall be complied with.
9. The licensee shall put arrangements in place to ensure that when staff are dealing with young people who look under the age of 21 they ask for valid proof of age e.g.

Portman Proof of Age card, National Passport or Photo Drivers Licence before selling alcohol.

10. The Licensee shall promote 'Challenge 21' or similar scheme.
11. The licensee shall ensure that staff are trained about age restricted products and ensure that they sign to confirm that they have understood the training. The licensee shall keep records of training and instruction given to staff.

Annex 3 - Conditions attached after a hearing by the licensing authority

Nil

Annex 4 – Plans

Reference Number: ISL/88731 Date: 26 July 2005

Premises Licence Summary
Licensing Act 2003

Premises licence number	127798/944		
Postal address of premises, or if none, ordnance survey map reference or description	HIGHBURY FINE FOOD & WINE 249 UPPER STREET		
Post town	London	Post code	N1 1RU
Telephone number	020-7354-4258		

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence
Ground Floor
<ul style="list-style-type: none">The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities																												
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Where the licence authorises supplies of alcohol whether these are on and/or off supplies
Off supplies



ISLINGTON

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Syed Hassan Raza
30 Barnaby Way
Chigwell
Essex IG7 6NZ
07739-156-266

Registered number of holder, for example company number, charity number (where applicable)

Name of designated premises supervisor where the premises licence authorises the supply of alcohol

Shabir Rachyal

State whether access to the premises by children is restricted or prohibited

No restrictions

Islington Council
Public Protection Division
159 Upper Street
London
N1 1RE
Tel: 020 7527 3031/3803
Email: licensing@islington.gov.uk

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Robin Clark** URN:

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Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: **Police Officer 181475**

This statement (consisting of: ... **1** pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: Date:

Tick if witness evidence is visually recorded (supply witness details on rear)

My name is Robin Clark and I am a Police Sergeant with the Metropolitan Police Service. I currently work as a Licensing officer at Islington Police Station. I have been given this specific responsibility by the Borough Commander who is acting under the written delegated authority of the Commissioner of Police for the Metropolis. A copy of this authority has been lodged with Islington Council Legal Department.

This statement is submitted in response to the review application made by the Mr David Fordham of Islington Council Trading Standards Service regarding the premises Highbury Fine Food & Wine (a.k.a.) Retail 24, 249 Upper Street N1 1 RU.

I have read the information provided by the Council officials and note the varied type of counterfeit or smuggled goods found. The sale of counterfeit and smuggled goods is in my view a very serious matter and having assisted the council officials in seizing such goods it is apparent that it is becoming more widespread. If there was no market for the goods the trade would not flourish and as such the licensed trade does not need operators who are willing to break the law as readily as in this case buying goods from an illegal supplier. It is well documented that there is a strong link between organised crime groups and the trade in counterfeit and smuggled goods and therefore this type of crime is also supporting other types of crime such as the drug trade, people trafficking and even terrorism. As such I would support revocation of the licence or at least a long suspension and addition of the conditions proposed by the officers of Islington Trading Standards Office. I would also point out that the Home office guidance on this offence is revocation of the licence on the first offence and that the Licensing Authorities should seek to support business 's that operate within the law by removing those that trade illegally.

I also note the matter of the invoices produced in an effort to obtain the seized goods and again feel this raises strong concern over the management of this business and feels this further strengthens the need to revoke their licence.

Signature: Signature witnessed by:

Witness contact details

Home address:
 Postcode:

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

Male / ~~Female~~ (delete as applicable) Date and place of birth:

Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? **No.** If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? **No.** If 'Yes' what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): **PS45NI 181475 Robin CLARK** Station: **Islington**

Time and place statement taken:



ISLINGTON

Mr Syed Hassan Raza
Highbury Fine Food and Wine
249 Upper Street
London
N1 1RU

Building Control Service
Public Protection
222 Upper Street
London
N1 1XR

T 020 7527 5986
F 020 7527 5998
E geoff.weaver@islington.gov.uk
W www.islington.gov.uk

Our ref : GW
Your ref:

Date: 21 June 2011

Dear Sir

**Licensing Act 2003
Representation from Responsible Authority for Health and Public Safety
Highbury Fine Food and Wine 249 Upper Street N1 1RU**

With reference to the recent application for review of the premises licence under the Licensing Act 2003 at the above named premises, as the health and safety consultant for the responsible authority I will be making a representation to this application.

The following condition on the premises licence in relation to health and public safety at the premises has not been discharged:

The premises shall not be used under this licence until the requirements specified in the schedule dated 16 October 2007 have been completed and approved in writing by the responsible authority for health and public safety.

At a survey of the premises on 20 June 2011 it was found that the requirements specified in the attached schedule are still in need of urgent attention to ensure the existing arrangements at the premises are adequate for health and public safety.

Will you please arrange for the necessary works to be completed without any further delay and give me notification of the completion of the works so that a further inspection of the premises can be made.

The premises should be maintained in good condition. Staff should be trained in the health and safety measures applicable to the premises and the action to be taken in the event of an emergency or evacuation. Enclosed for your attention are **Health and Safety Standards for Places of Assembly, Shops and Commercial Premises**.



CUSTOMER SERVICE EXCELLENCE

**Islington Licensing Authority
Licensing Act 2003**

Representation form from Responsible Authority for Health and Public Safety

Name	Geoff Weaver
Job title	Senior Building Surveyor (Licensing Health and Safety)
Postal address	Islington Council, Building Control Service 222 Upper Street, London N1 1XR
email	geoff.weaver@islington.gov.uk
Contact telephone number	020 7527 5986
Name and address of the premises concerning the representation	Highbury Fine Food and Wine 249 Upper Street N1 1RU
Public Safety	The arrangements at the premises are insufficient for health and safety. See attached requirements schedule.
Suggested conditions that could be added to the licence to remedy the public safety representation	The premises shall not be used under the licence until the arrangements at the premises are suitable and sufficient for health and safety and have been approved in writing by the responsible authority for health and public safety.

Signed: _____ Date: _____

Please return this form along with any additional sheets to: Applicant and Islington Council, Licensing Team, 222 Upper Street, London N1 1XR or email to licensing@islington.gov.uk This form must be returned within the statutory period. For more details please check with the Licensing Support Team on 020 7527 3031.

This communication is without prejudice to the necessity of complying with any other statutory controls which may be applicable, whether administered by the council or by any other authority.

Should you require any advice or information please contact me at the above address.

Yours faithfully

Geoff Weaver
Senior Building Surveyor (Licensing Health and Safety)

**Licensing Act 2003 – Requirements schedule dated 21 June 2011 for
Highbury Fine Food and Wine 249 Upper Street N1 1RU**

- (1) The non-maintained emergency lighting should be wired to the local lighting circuit in such a manner as to operate not only in the event of failure of the mains supply but also on failure of the supply to the local lighting circuit.
- (2) The mechanical extract ventilation fan in the toilet should be repaired or replaced. The ventilation fan should extract direct to external air at a rate of not less than 6 litres/second and have a 15 minute overrun controlled by the light switch or occupant detecting sensor. Air inlet to the toilet should be provided, e.g. 10mm gap under the door.
- (3) One carbon dioxide fire extinguisher (rating 21B) and one water fire extinguisher (rating 13A) in conformity with BS EN 3 should be located behind or adjacent to the cashiers/sales counter.

Fire fighting appliances should be on brackets or stands and located so as not to obstruct exit routes or cause a hazard to persons in and about the premises.

Appropriate signs should be fixed adjacent to the fire fighting appliances indicating the type of fire fighting appliance and the class of fire covered.

- (4) A copy of the inspection and service certificate for fire fighting appliances obtained from an organisation certified by the British Approvals for Fire Equipment (BAFE) should be submitted to the council.
- (5) A mains operated smoke alarm with a standby power supply such as a rechargeable or replaceable battery or capacitor in accordance with BS 5839 – 6 should be provided in the store area.

The new smoke alarm should be linked to the existing smoke alarms so that detection of smoke one unit operates the alarm signal in all of them. Smoke alarms should be wired in compliance with BS 7671 to a single independent circuit at the main distribution board. The circuit should be clearly labelled **Fire Alarm do not isolate**.

Suggested conditions of approval recommended by Trading Standards

1. No alcoholic goods will ever be purchased from sellers calling at the shop.
2. Invoices (or copies) for all alcoholic goods on the premises will be kept at the shop and made available to officers from the Council, Police or HMRC upon request.
3. A stock control system will be introduced, so that the licensee can quickly identify where and when alcoholic drinks have been purchased.
4. A ultra-violet light will be available at the premises for the purpose of checking the UK Duty Stamp on spirits as soon as practical after they have been purchased.
5. If any spirits bought by the company have UK Duty Stamps that do not fluoresce under ultra-violet light, or are otherwise suspicious, the licensee shall identify the supplier to Islington Trading Standards and HMRC as soon as possible.

Suggested conditions of approval recommended by Health and Safety Officer

6. The premises shall not be used under the licence until the arrangements at the premises are suitable and sufficient for health and safety and have been approved in writing by the responsible authority for health and public safety.

